

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/606,428	PETRUS, PAUL	
	<b>Examiner</b>	<b>Art Unit</b>	
	Kiet Doan	2683	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 06/25/2003.
2. ☒ The allowed claim(s) is/are 1-5,7-15 and 17-24.
3. ☒ The drawings filed on 25 June 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                       |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment  |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance              |
|   | 9. <input type="checkbox"/> Other _____.  |

## DETAILED ACTION

### *Response to Amendment*

1. The amendment file on 04/22/2005 under 37 CFR 1.131 is sufficient to overcome the Hashem et al. (Patent No. 6,748,222) and Garncarz et al. (Patent No. 5,640,676) reference.

Claims 6 and 16 are cancelled.

Claims 1-5, 7-8, 10-15, 17-18, 20-23 are amended.

### EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Gordon R. Lindeen on 5/7/2005.

Claim 10 "The method of claim 6" change to "The method of **claim 1**"

Claims 17-18 and 20 "The machine-readable medium of claim 16" change to "The machine-readable medium of **claim 11**"

### *Allowable Subject Matter*

3. **Claims 1-5, 7-15 and 17-24** are allowed.

The following is an examiner's statement of reasons for allowance:

Prior art record. Consider claim 1, Hashem teaches a method/machine-readable for selecting a base station (C4, L33-54, C5, L10-15) comprising: receiving

transmissions from a plurality of base stations; deriving from the transmissions indications of received signal strength (C6, L14-19, Fig.4, No.38 teach receiver of base station which receiving transmissions from a plurality of base stations); deriving from the transmissions load information associated with each of the plurality of base stations (Fig.4, No.40, teach transmitter which transmissions load information);

Garncarz teaches associated with each of the plurality of base station ordering a set of candidate base station in accordance with descending indications of receive signal strength (C2, L57-67, C3, 1-35, Fig.3, Illustrate plurality/ candidate of base station).

However, the combine of Hashem and Garncarz **fail to teach** comparing load information between a likely selected base station and the remaining set of candidate base stations; deriving from the transmissions distance information associated with each of the plurality of base station; comparing distance intonation between the likely select base station and the remaining set of candidate base stations; selecting one of the plurality of base stations as a current base station when the load of and distance to the likely selected base station does not exceed the load of and distance to each of the remaining set of candidate base stations by a first threshold: and selecting an alterative base station when the load of and distance to the likely selected base station exceeds the load of and distance to an alterative base station of the remaining set of candidate base stations by the first threshold, as substantially connect and specific detail and combination as in claims 11 and 21.

Claims 2-5, 7-10, 12-15, 17-20 and 22-24 are allowed as being dependent on the independent claims 1, 11 and 21.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kiet Doan whose telephone number is 571-272-7863. The examiner can normally be reached on 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kiet Doan  
Patent Examiner



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